



November 30, 2016

CERTIFIED MAIL: 7005 1820 0000 3674 8140

RETURN RECEIPT REQUESTED

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
Box 7611 Ben Franklin Station  
Washington, D.C. 20044-7611  
Re: DOJ No. 90-5-2-1-10459

CERTIFIED MAIL: 7005 1820 0000 3674 8157

RETURN RECEIPT REQUESTED

Director, Air Enforcement Division  
Office of Civil Enforcement  
U.S. EPA Headquarters, MC 2242A  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

CERTIFIED MAIL: 7005 1820 0000 3674 8133

RETURN RECEIPT REQUESTED

Chief, Air and TRI Section  
Enforcement Division  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

**RE: Consent Decree No. CV-15-02206-PHX-DLR – Notification of Emission Limit Exceedance**

To whom it may concern:

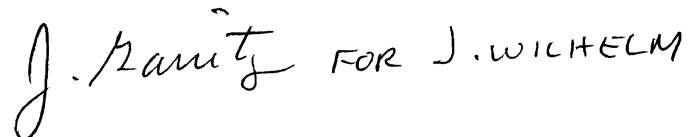
ASARCO LLC (Asarco) notified the Environmental Protection Agency (EPA) and the U.S. Department of Justice (DOJ) on October 27, 2016 of the results of the Reference Method 5B particulate test that was conducted on the acid plant tail gas duct on September 19, 2016. Those results were inconsistent with observed performance of the acid plant and with prior Method 5B sampling at that location. Asarco therefore notified the EPA and DOJ that a repeat performance test was scheduled for the week of November 28, 2016.

Follow-up discussions with the testing contractor determined that the accuracy of the results could be improved by increasing the test run duration from one hour to four hours to collect adequate sample to weigh (the repeat testing will be conducted with three 4-hour runs).

Asarco also notified the EPA and DOJ of an 18-day maintenance outage of the Hayden Smelter beginning November 4, 2016 that would provide an opportunity to inspect the acid plant internal components. Also to be accomplished during the outage, was the tie-in of the new acid plant scrubber blowdown system as provided in Appendix B, Paragraph 10 of the Consent Decree.

The smelter restarted on November 21, 2016. Startup difficulties associated with the new acid plant scrubber blowdown system continue to date. Because of this, Asarco felt it prudent to postpone the Method 5B retest to the week of December 19, 2016. The rescheduled repeat testing will still occur within the 365 days of the Effective Date as provided in Paragraph 16.

If there are any questions please contact Amy Veek at (520) 356-3296.

A handwritten signature in black ink that reads "J. Garrity FOR J. WILHELM". The signature is written in a cursive, flowing style.

Joseph A. Wilhelm  
General Manager  
Hayden Operations

JAW/rcg

pc: S. Gasser, w/o enc.  
J. Garrity, w/enc.  
SM Engineer, "